

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1499-02
Bill No.: SB 543
Subject: Law Enforcement Officers and Agencies; Children and Minors; Family Services
Division; Crimes and Punishment; Professional Licenses; Public Records, Public
Meetings
Type: Original
Date: March 10, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(\$720,947)	(\$479,100)	(\$483,676)
Total Estimated Net Effect on General Revenue Fund	(\$720,947)	(\$479,100)	(\$483,676)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Criminal Record Systems	\$1,531,097	\$385,999	\$382,699
Highway	(\$6,360)	\$0	\$0
Urban and Teacher Education Revolving	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$1,524,737	\$385,999	\$382,699

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 18 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Federal	(\$265,556)	(\$158,645)	(\$158,645)
Total Estimated Net Effect on <u>All</u> Federal Funds	(\$265,556)	(\$158,645)	(\$158,645)

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Economic Development, Missouri Gaming Commission, Missouri Lottery, Department of Transportation, Columbia Police Department, City of Springfield Police Department,** and the **St. Louis Public Schools** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of State Public Defender** assume existing staff could provide representation for those few cases arising where indigent persons were charged with failure to provide honest answers on applications requesting personal histories, specifically criminal information. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

ASSUMPTION (continued)

Officials from the **Department of Mental Health (DMH)** assume the legislation would result in no change to current practice and procedure. DMH will continue to conduct Highway Patrol and FBI fingerprint screening for criminal background histories on all prospective new employees. DMH will continue to collaborate with the Department of Health and Senior Services in providing and sharing registry information. DMH assumes the legislation imposes no new fiscal impact to their department.

Officials from the **Office of Secretary of State (SOS)** assume the proposal revises various criminal background check provisions. The Department of Public Safety, Department of Elementary and Secondary Education, Department of Social Services, Department of Revenue, and Department of Mental Health may promulgate rules to implement the provisions of this act. These rules will be published in the *Missouri Register* and the *Code of State Regulations*. Based on experience with other divisions, the rules, regulations, and forms issued by the Committee could require as many as 60 pages in the *Code of State Regulations* and half again as many pages in the *Missouri Register*, as cost statements, fiscal notes, and the like are not repeated in the Code. The estimated cost of a page in the *Missouri Register* is \$23 and the estimated cost of a page in the *Code of State Regulations* is \$27. Based on these costs, the estimated cost of the proposal is \$3,690 in FY 04 and unknown in subsequent years. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, or withdrawn.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which would require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **School District of Kansas City (KCSD)** assume there will be additional cost to the district to obtain two sets of fingerprints from each applicant. This proposal indicates that the cost of the background checks could be passed on to applicants. It is highly unlikely that a teacher applicant will be willing to pay the fee given the current nation wide teacher shortage. For 300 applicants at \$14 per applicant, KCSD estimates the cost of the proposal to be \$4,200.

ASSUMPTION (continued)

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the changes in Section 168.283, which states that prior to employment, no school employee shall have unsupervised contact with pupils until the individual has obtained a criminal history background check, would result in fiscal impact to school districts. DESE states, for FY 2002, there were 124,465 pupil-contact individuals throughout the state's districts. At \$36 each for the national and state background checks, DESE estimates the cost to school districts to be \$4,480,740 ($124,465 \times \36) in FY 04. Average turnover for teachers, administration, librarians, special services, and certified personnel in Missouri's elementary, junior high, and high schools is 22 percent. Assuming a 22 percent turnover rate, DESE estimates the cost for FY 05 to be \$5,466,503 ($\$4,480,740 \times 1.22$) and the cost for FY 06 to be \$6,669,133 ($\$5,466,503 \times 1.22$).

Oversight assumes criminal history background check would be obtained before the employee has unsupervised contact with pupils and the background check on each employee would not be obtained annually. Therefore, based on 124,465 pupil-contact individuals and a 22 percent turnover, Oversight assumes 124,465 background checks in FY 04 and 27,382 in subsequent years. Oversight assumes the amount collected and passed through to the Missouri State Highway Patrol for criminal history checks to be \$4,729,670 ($124,465 \times \38) in FY 04 and \$1,040,516 ($27,382 \times \38) in each subsequent year. Oversight is showing the fiscal impact to school districts as a cost of \$0 to \$2,729,670 in FY 04 and \$0 to \$1,040,516 in subsequent years because the language is permissive. It would be a local school district decision as to how much of the cost to reimburse to the individuals.

Officials from the **Office of Prosecution Services** assume the provision requiring prosecutors to submit criminal information every 15 days rather than 30 days would have increased personnel costs to prosecutors' offices.

Officials from the **Department of Corrections (DOC)** assume this bill, if passed into law, revises various criminal background checks. Penalty provisions for violations, the component of the bill to have potential fiscal impact for DOC, is for a class A misdemeanor. DOC also has a concern due to proposed language indicating MHP as the central repository of criminal records. DOC is uncertain whether the proposal precludes DOC (or any other agency) from keeping their own records, or whether the intent is that the records kept by MHP are the "official" records.

The DOC cannot currently predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

ASSUMPTION (continued)

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY02 average of \$3.10 per offender, per day or an annual cost of \$1,132 per offender).

The DOC does not anticipate the need for capital improvements at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Department of Revenue (DOR)** assume this legislation will require collection of a fee not more than fourteen dollars for a Missouri criminal history record check based on a fingerprint search and a fee for the federal criminal history as determined by the FBI. This will require programming to create a new MTAS fund to collect and disburse the fees to Highway Patrol.

This legislation will now require fingerprint collection for those applicants applying for a school bus permit, and the criminal history search to be based on those fingerprints. This will require the Customer Assistance Bureau to ask for applicants to submit their fingerprints on approved cards, which were obtained from the applicant's local law enforcement agencies. The Customer Assistance Bureau then would submit those fingerprints to the Highway Patrol with our request for criminal history checks.

This proposal will require the DOR's Information Technology Bureau to make programming changes to the school bus system to allow for the extra charges to be kept in the system and the extra costs to be calculated. DOR would also have to modify the program to calculate the price for the individual applicant that does not have the bus company pay for their permit. We would also have to modify the accounting report to include the breakdown of the dollars that would need to be sent to the highway patrol.

FY04

120	Hours of overtime for school bust permit system programming required
<u>x \$23</u>	Overtime hourly programming rate for a Computer Information Technologist III
\$2,760	Total cost for school bus permit system programming

BLG:LR:OD (12/02)

ASSUMPTION (continued)

This proposal will require programming changes to MTAS in order to collect the fees for the criminal history checks and to disburse the fees to highway patrol.

FY04

80	Hours of overtime programming for MTAS
<u>x \$25</u>	Overtime hourly programming rate for a Computer Information Technologist III
\$2,000	Total cost for MTAS programming

This proposal will require testing of the program changes made to collect the criminal record search fee from the applicant.

FY04

80	Hours of overtime programming for testing
<u>x \$20</u>	Hourly overtime rate for Computer Information Technologist II
\$1,600	Total overtime testing costs

The proposal will create increased collections to the Criminal Record System Fund. This increase is due to increased costs charged by the Missouri State Highway Patrol for fingerprint based record searches. Currently, the Department of Revenue requests records by name and date of birth via electronic data exchange. The patrol completes these record checks at no cost. The fingerprint based searches will require the Department of Revenue to collect the \$14.00 record search fee from each applicant and an additional \$24 for the federal background check. The department will transmit the total collection to the patrol via SAMII. The patrol will deposit the total collections in the Criminal Record System Fund and make monthly disbursement to the Department of Justice for the remaining collections.

Officials from the **Department of Social Services – Office of Early Childhood (DOS)** state the Missouri State Highway Patrol processes approximately 18,000 background checks for the Office of Early Childhood on unlicensed family home childcare providers to determine eligibility to receive childcare subsidy. There is no charge to the provider or to DOS for these background checks, which are name checks only. DOS anticipates the cost of this fee would be passed on to the childcare provider, resulting in no fiscal impact to DOS.

ASSUMPTION (continued)

Officials from the **Department of Social Services – Division of Family Services (DFS)** assume there would be approximately 16,000 vendors needing fingerprint checks in FY 04 and 9,580 vendors needing fingerprint checks in subsequent years. These vendors include relative homes, adoptive homes, and foster homes. At \$24 per check, DFS estimates the total cost to be \$769,728 in FY 04 and \$459,840 in FY 05 and FY 06. The cost to the General Revenue Fund would be \$504,172 in FY 04 and \$310,195 in FY 05 and FY 06. The cost to Federal Funds would be \$265,556 in FY 04 and \$158,645 in FY 05 and FY 06.

Officials from the **Department of Health and Senior Services (DHSS)** assume the proposed legislation would expand the role of the Family Care Safety Registry (FCSR) to consolidate name-based background screening for caregivers. This legislation will specifically allow the FCSR to report open criminal record information and add the ability to respond to requests for one-time designated release of background screening information on individuals working for human services providers under contract, licensed or certified by state agencies who are not required by Section 210.906, RSMo, to register with FCSR.

DHSS assumes the FCSR will respond to an additional 66,036 background screening requests (16,000 employees of DMH contractors will submit designated release requests and DFS will make requests on 18,000 registered child care workers and 32,036 foster parents to access open criminal history).

Of the 66,036 additional background screening requests estimated, 16,000 will require additional data entry in order to respond to a designated release. DHSS assumes that the remaining 50,036 requests will be made for individuals whose identifying information has already been data entered and, therefore, staff will be required to initiate the electronic computer interface and interpret and compare the results obtained and make a determination of whether there is a match or “hit” in criminal history, child abuse/neglect, employee disqualification data bases or foster parent license.

DHSS assumes that FCSR will require 3.5 additional FTE: 2 FTE Health Program Representatives (HPR) I/II (each at \$34,644 per year) to process and respond to background screening requests, 1 FTE Office Support Assistant/Keyboarding (at \$20,472 per year) to process background screening result notifications, and 1 FTE Computer Info Tech Spec III (at \$60,912 per year) for 6 months to make necessary modifications to the FCSR computer program. After the modifications are complete, this position would not be continued. Fifty thousand dollars (\$50,000) is included for the additional computer costs.

ASSUMPTION (continued)

The FCSR estimates that 1 HPR is required to data enter and respond to 16,000 new background screening requests annually and 1 HPR is required to respond to the increased volume of background requests received on individuals already identified in the Registry's computer system. The FCSR estimates that 1 office support assistant position is required to prepare the 66,036 outgoing notifications for mailing to the requestors in a timely manner.

A one-time request for the six-month salary of a computer information tech specialist and for \$50,000 for computer services is included in the fiscal note. The proposed legislation requires DHSS's Office of Information Systems staff to write computer programs to modify the existing programming for a one-time designated release and for computer access to the Sex Offender Registry information maintained by the Missouri State Highway Patrol.

DHSS was informed by the Highway Patrol that the Sex Offender information is not currently maintained as part of the existing criminal history and, therefore, requires that a separate interface be designed and programmed in order to access and retrieve that information. In addition to the new interface programming, modifications are required to the existing programs and database and to generate another type of result notification to requestors for the designated releases. DHSS estimates that the computer information tech specialist will be able to complete the modifications to the existing system in 6 months and that funds to obtain the services of a contract computer programmer for 6 months is required to provide the necessary expertise to complete the new interface to the Sex Offender Registry information.

DHSS estimates the cost of the proposal to be \$249,524 in FY 04; \$160,847 in FY 05; and \$165,027 in FY 06.

Oversight has, for fiscal note purposes only, changed the starting salaries for the FTE to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees over the last six months of FY 2002 and policy of the Oversight Subcommittee of the Joint Committee on Legislative Research. Oversight also assumes FTE would be housed within existing facilities. Therefore, no additional rent or janitorial expenses would be incurred.

ASSUMPTION (continued)

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume the proposed legislation would revise various criminal background checks.

The MHP's Information Systems Division (ISD) anticipates an increase in the number of additions and modifications at the State Data Center based on the number of checks created by the proposed legislation. ISD estimates that the number of fingerprint backgrounds would increase by 124,585 per year. This would require 124,585 applicant/participant records be created and modified annually.

For every background check, there is an inquiry and response to both the state data center and the FBI, which results in at least 4 CICS transactions per background check. Estimating that it takes 20 times more service units for creation/modification than just an average inquiry, ISD estimates the total State Data Center Charges to be \$8,374 per year.

CICS service unit rate	.02240/1000 x 124,585 x 126 (avg per trans) x 20 =	\$7,032.58
DB2 service unit rate	.00580/1000 x 124,585 x 48 (avg per trans) x 20 =	<u>\$ 693.69</u>

Total Recurring State Data Center Charges - ISD	\$8,374.11
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Based on processing 124,585 fingerprint cards per year, the MHP's Criminal Records and Identification Division (CRID) would require 14 new FTE as a result of the proposed legislation. These FTE would be placed on shifts as needed. It is expected that most of the FTE would be 2nd and 3rd shift employees, so they would not require any equipment. However, if any are placed on the 1st shift, standard equipment will be needed at a cost of \$3,339 per FTE (one time) and \$635 per FTE (recurring). These FTE would consist of 9 FTE Fingerprint Technicians (each at \$21,192 per year) to verify and provide quality control on "hit/no hit" criteria utilizing the AFIS system to answer positive matches; 4 FTE AFIS Entry Operators (each at \$18,132 per year) to compare, verify, and maintain current name search criminal history record information and also determine through on-line sources prior criminal history in order to update RAP sheets and release results to requesting agencies; and 1 FTE Fingerprint Technician Supervisor (each at \$29,592 per year) to supervise and oversee the fingerprint processing and AFIS criminal history record information, and supervise the workflow process to commingle with priority and first in, first out processing.

ASSUMPTION (continued)

The proposed legislation would affect Total State Revenue. The cost per each fingerprint check is \$38 (\$14 for state check, \$24 for FBI check pass through). $124,585 \times \$38 = \$4,734,230$. Of this amount, \$2,990,040 ($124,585 \times \24) will be passed through to the FBI for the cost of the FBI fingerprint checks. \$1,744,190 ($124,585 \times \14) will remain in the Criminal Records System Fund.

MHP estimates the net revenue of the proposed legislation to be \$1,349,629 in FY 04; \$1,272,856 in FY 05; and \$1,261,029 in FY 06.

Oversight assumes the Missouri State Highway Patrol (MHP) would conduct background checks for 124,465 pupil-contact individuals in FY 04. Assuming a 22 percent turnover, the MHP would conduct 27,382 pupil-contact individuals in subsequent years. Oversight also assumes the MHP would conduct 16,000 background checks in FY 04 and 9,680 background checks in FY 05 and FY 06 for the Department of Social Services. This would be a total of 140,465 criminal history checks in FY 04 and 36,962 in subsequent years. Based on these numbers of criminal history checks per year and MHP's estimated cost, Oversight has recalculated the State Data Center charges and the revenues to the Criminal Records System Fund. Oversight also assumes the MHP would require 16 FTE in FY 04 and 4 FTE in FY 05 and FY 06.

The proposed legislation would affect total state revenue.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE FUND			
<u>Costs</u> – Department of Social Services			
Background/criminal history checks	(\$504,172)	(\$301,195)	(\$301,195)
<u>Costs</u> – Department of Health and Senior Services (DHSS)			
Personal Service (3.5, 3, 3 FTE)	(\$87,899)	(\$108,116)	(\$110,819)
Fringe Benefits	(\$35,573)	(\$43,755)	(\$44,848)
Equipment and Expense	<u>(\$93,303)</u>	<u>(\$26,034)</u>	<u>(\$26,814)</u>
<u>Total Costs</u> – DHSS	<u>(\$216,775)</u>	<u>(\$177,905)</u>	<u>(\$182,481)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$720,947)</u>	<u>(\$479,100)</u>	<u>(\$483,676)</u>

**CRIMINAL RECORD SYSTEMS
 FUND**

Revenues – Missouri State Highway
 Patrol

Fingerprint fees	\$5,337,670	\$1,404,556	\$1,404,556
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Costs – Missouri State Highway Patrol

Personal Service (16, 4, 4 FTE)	(\$283,730)	(\$85,844)	(\$87,991)
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Fringe Benefits	(\$142,972)	(\$43,257)	(\$44,339)
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State Data Center charges	(\$8,711)	(\$2,368)	(\$2,439)
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Pass through to FBI	<u>(\$3,371,160)</u>	<u>(\$887,088)</u>	<u>(\$887,088)</u>
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<u>Total Costs</u> – MHP	<u>(\$3,806,573)</u>	<u>(\$1,018,557)</u>	<u>(\$1,021,857)</u>
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**ESTIMATED NET EFFECT ON
 CRIMINAL RECORD SYSTEMS
 FUND**

	<u>\$1,531,097</u>	<u>\$385,999</u>	<u>\$382,699</u>
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HIGHWAY FUND

Costs – Department of Revenue

Programming/testing costs	<u>(\$6,360)</u>	<u>\$0</u>	<u>\$0</u>
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**ESTIMATED NET EFFECT ON
 HIGHWAY FUND**

	<u>(\$6,360)</u>	<u>\$0</u>	<u>\$0</u>
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**URBAN AND TEACHER
 EDUCATION REVOLVING FUND**

Income – Department of Elementary and
 Secondary Education (DESE)

Receipts from school districts for criminal history checks	\$4,729,670	\$1,040,516	\$1,040,516
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Costs – (DESE)

To Missouri State Highway Patrol for criminal history checks	<u>(\$4,729,670)</u>	<u>(\$1,040,516)</u>	<u>(\$1,040,516)</u>
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**ESTIMATED NET EFFECT ON
 URBAN AND TEACHER
 EDUCATION REVOLVING FUND**

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FEDERAL FUNDS

Costs – Department of Social Services
 Background/criminal history checks

<u>(\$265,556)</u>	<u>(\$158,645)</u>	<u>(\$158,645)</u>
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**ESTIMATED NET EFFECT ON
 FEDERAL FUNDS**

<u><u>(\$265,556)</u></u>	<u><u>(\$158,645)</u></u>	<u><u>(\$158,645)</u></u>
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FISCAL IMPACT - Local Government

FY 2004 (10 Mo.)	FY 2005	FY 2006
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POLITICAL SUBDIVISIONS

Costs – Local School Districts

Reimbursement to employees for criminal history checks	\$0 to (\$4,729,670)	\$0 to (\$1,040,516)	\$0 to (\$1,040,516)
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Costs – Prosecuting Attorneys

Increased personnel costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**ESTIMATED NET EFFECT ON
 POLITICAL SUBDIVISIONS**

<u><u>(Unknown)</u></u>	<u><u>(Unknown)</u></u>	<u><u>(Unknown)</u></u>
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FISCAL IMPACT - Small Business

The proposed legislation could have a fiscal impact on small businesses.

DESCRIPTION

The proposed legislation would make several changes to criminal background checks:

HIGHWAY PATROL – The proposal would add the definition of “Missouri charge code.” The Missouri charge code would be a unique number assigned by the state court administrator to an offense for tracking purposes (§43.500).

ARREST, CHARGE, AND DISPOSITION OF MISDEMEANORS AND FELONIES (including juveniles) – The proposal would require law enforcement agencies and the clerk of court to submit certain criminal arrest, charge, and disposition information to the central repository within 15 days for the purpose of maintaining complete and accurate criminal history record information (§43.503).

If the person being reported is a juvenile and not certified as an adult, the name of the juvenile would not be made available to the central repository. The name would be provided to the court of jurisdiction by the agency taking the juvenile into custody. If the individual is certified as an adult, the court would order a law enforcement agency to fingerprint the individual. Once fingerprinted, the law enforcement agency would submit such fingerprints to the central repository within 15 days.

CRIMES TO BE REPORTED, METHODS OF REPORTING, AND EXEMPTIONS – This section would make some technical changes (§43.506).

PAYMENTS FOR RECORDS, EXCEPTIONS – The proposal would remove the charge for information from the criminal registry for information supplied to criminal justice agencies or for state agencies screening state employees or applicants (§43.527).

FEES, METHOD OF PAYMENT – CRIMINAL RECORD SYSTEM FUND – The proposal would limit the amount the highway patrol may charge of a criminal history check to \$5 for a non-fingerprint search and \$14 for a fingerprint search (§43.530).

DESCRIPTION (continued)

WHEN RECORDS MAY BE OBTAINED – The proposal would require the criminal history and identification records obtained from the central repository to be used only for the purpose for which they were obtained. The subject of the record would be allowed to challenge the accuracy of the criminal history record (§43.532).

This section would also give the criminal records repository exclusive authority to engage in collecting, assembling, or disseminating criminal history records. It would be a class A misdemeanor for a person to collect or disseminate criminal history record information to anyone other than the original requestor.

CRIMINAL CONVICTION RECORD CHECKS – The proposal would define “authorized state agency,” “care,” “national criminal record review,” and “qualified entity” and expand the definition of “provider” to include any person who is employed by or seeks employment with a qualified entity; any person who volunteers with a qualified entity, owns or operates a qualified entity; or a person who has unsupervised access to children or the elderly. A qualified entity could obtain a criminal record review of a provider from the Highway Patrol by furnishing the information on forms that would be approved by the Highway Patrol. An authorized state agency could agree to process state and national criminal record reviews for a qualified entity (§43.540).

CERTAIN AGENCIES TO SUBMIT FINGERPRINTS – The proposal would allow certain agencies to require applicants to submit fingerprints for a criminal history check (§43.543).

TEACHERS – The proposal would prohibit school employees from having unsupervised contact with students until a criminal history background check has been completed. The person would submit two sets of fingerprints, one for the Highway Patrol and the other for the FBI. The individual would be required to pay the processing fee, but could be reimbursed by the employing school. If the background check reveals a charge or disposition, the information would be reported to the Department of Elementary and Secondary Education. A school official making a report to DESE under this section would not be held civilly liable. This section would give DESE rulemaking authority. The effective date of this section is January 1, 2004 (§168.283).

DESCRIPTION (continued)

CHILD PROTECTION AND REFORMATION – EMERGENCY PLACEMENT

BACKGROUND CHECKS – This section would allow the juvenile court or DFS to request a name-based criminal history record check, including orders of protection and outstanding warrants of each individual 18 years of age or older, using MULES or the National Crime Information Center (NCIC), if there is an emergency placement of a child in a private home. If the name-based search is conducted, within five business days after the emergency placement of the child, all individuals age 18 or over residing in the home would be required to provide two sets of fingerprints to local law enforcement. One set of prints would be used to search the criminal history repository and the second would be forwarded to the FBI. If any person fails to comply, the child would be removed immediately. If a placement is denied based on the name-based criminal history check and the denial is contested, persons residing in the residence over the age of 18 would be required to submit two sets of fingerprints to be checked with the criminal history repository and the FBI (§210.482).

ORDERS OF PROTECTION – This section would require the Division of Family Services to conduct a search for any adult in the applicants’ household for orders of protection. The request would be made through the Office of State Courts Administrator and a response would be provided to the division within 10 days of a request. The Division would also obtain two sets of fingerprints, one for the criminal history repository and one for the FBI. This section would allow the division to make arrangement with other branch agencies to obtain any investigative background information. This also would give the Division rulemaking authority (§210.487).

FAMILY CARE SAFETY ACT – FAMILY CARE SAFETY REGISTRY – The proposal would add several definitions, including “designated release,” “registration-exempt worker,” and “human services provider.” A “registration-exempt worker” would be any person not required to register with the family care safety registry (§210.900).

The proposal would allow human services providers to request a background screening on registration-exempt workers (§210.906).

The proposal would allow the Department to determine history and background for registration-exempt workers with a completed designated-release form (§210.909).

RELEASE OF REGISTRY INFORMATION – The proposal would allow the release of screening information to be used for purposes other than employer-employee relationship with the written permission of the applicant (§210.921).

DESCRIPTION (continued)

USE OF REGISTRY INFORMATION – The proposal would allow the Department of Health and Senior Services, the Department of Mental Health, and the Department of Social Services to use registry information (§210.922).

SCHOOL BUS DRIVER PERMIT – The proposal would require individuals obtaining a school bus driver permit to submit two sets of fingerprints to the highway patrol. The first would be used to search the criminal history repository and the other would be forwarded to the FBI. The applicant would pay a fee. This section would give rulemaking authority to the Director of the Department of Revenue (§302.272).

GOVERNMENTAL BODIES AND RECORDS TO BE CONFIDENTIAL – The proposal would make closed records in Section 43.570, RSMo, available to agencies including: criminal justice agencies, person seeking criminal justice employment, screening persons with access to criminal justice facilities, law enforcement agencies for issuance or renewal of a licence, permit, certification, sentencing commission, Department of Revenue for drivers license administration, and the Department of Health and Senior Services for the purpose of licensing and regulating facilities and regulating in home service providers. A criminal justice agency receiving a request for criminal history information could require positive identification, including fingerprints (§610.120).

PROCEDURE TO EXPUNGE – This proposal would add fingerprinting to the requirements for a person wishing to have an arrest expunged from his or her record (§610.123).

DEPARTMENT OF MENTAL HEALTH RECORDS CONFIDENTIAL – This section would allow the Department of Health and Senior Services to report investigations of abuse, neglect, or rights violations of patients that are civilly detained (§630.140).

INVESTIGATION OF REPORT OF ABUSE – The proposal would add the Department of Health and Senior Services to those agencies that may receive such reports (§630.167).

DISQUALIFICATION FOR EMPLOYMENT BECAUSE OF CONVICTION – The proposal would add the disqualification of a pleading not guilty or nolo contendere to any crime. The proposal would add the felonies of incest, first and second degree pharmacy robbery, causing a catastrophe, first degree burglary, and abuse or neglect of residence as disqualifying crimes. This section would also add that a person receiving an suspended imposition of sentence or suspended execution of sentence of any of the crimes listed in this section would be disqualified from employment. This section would require applicants for a direct care position to sign a consent form to conduct a criminal background check and disclose his or her criminal history. The

DESCRIPTION (continued)

applicant would also be required to disclose if he or she is listed on the employee disqualification list. Within two days of hiring for a position having contact with patients, any public or private residential facility would be required to: (1) request a criminal background check; (2) make an inquiry to the Department of Social Services and Department of Health and Senior Services where the person is on the disqualification list; and (3) inquire the Department of Mental Health whether the person is listed on the disqualification registry. If an applicant knowingly fails to disclose his or her criminal history, he would be guilty of a class A misdemeanor. A provider would be guilty of a Class A misdemeanor if he or she knowingly hires a person that has been disqualified (§630.170).

DEPARTMENT OF SOCIAL SERVICES CRIMINAL BACKGROUND CHECKS OF EMPLOYEES – The proposal would remove public or private facility, day program, and residential facility funded or licensed by the Department of Mental Health from the provider section (§660.317).

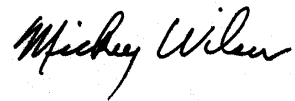
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Economic Development
Department of Elementary and Secondary Education
Department of Mental Health
Department of Corrections
Department of Health and Senior Services
Department of Social Services
Department of Public Safety
– Missouri State Highway Patrol
Missouri Gaming Commission
Missouri Lottery
Office of Prosecution Services
Office of State Public Defender
Department of Transportation
Department of Revenue

SOURCES OF INFORMATION (continued)

Columbia Police Department
City of Springfield Police Department
School District of Kansas City
St. Louis Public Schools

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
March 10, 2003